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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,208	01/14/2004	Joseph W. Coburn JR.	15254C	3568

7590

05/27/2004

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EXAMINER

NORDMEYER, PATRICIA L.

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. 10/757,208	Applicant(s) COBURN, JOSEPH W.
Examiner Patricia L. Nordmeyer	Art Unit 1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned percent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.65(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futhey et al. (USPN 5,840,407) in view of Tachikawa et al. (USPN 6,577,588).

Futhey et al. disclose a optically decorative material (Column 1, lines 5 – 8) having a layer of transparent polymeric material having opposed sides (Column 3, lines 48 – 55), wherein one of the sides contains a series of ridges and grooves and the other is a smooth surface (Column 3, lines 57 – 61). A layer of transparent adhesive is applied to the smooth surface of the material (Column 3, lines 62 – 67 and Figure 3, #40). The surface of the ridges and grooves is also coated with a layer of metallic reflective material (Column 8, lines 21 – 26 and Figure 11, #138), and the smooth surface of the polymeric material is coated with a metal coating in another embodiment (Figure 3, #32 and Column 9, lines 40 – 42). Figure 7 shows the transparent polymeric material (Column 7, lines 57 – 65) having parallel ridges formed by facets defining a convex surface formed by adjacent facets. As shown by Figures 5 and 12, other layers may be adhered to the ridge and groove surface of the polymeric material. However, Futhey et al. fail to disclose a layer of substantially transparent color effect producing material mounted to one of said opposed surfaces, wherein the layer of color effect producing material is a layer of

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substantially transparent colored polymeric material, the material being mounted by a layer of substantially transparent adhesive, wherein it is a substantially transparent colored adhesive, wherein the adhesive is a layer of substantially clear colored adhesive of the same color as said layer of substantially transparent polymeric material, wherein the color effect material is an iridescent material having an iridescent color effect image and wherein the transparent color effect producing material is mounted to the side of the polymeric material having ridges and grooves.

Tachikawa et al. teaches a layer of transparent color iridescent effect producing material that is an outer layer of material (Column 1, lines 65 – 67 and Figures 3 – 4) made with transparent coloring ink in combination with a polymer and binder (Column 4, lines 35 – 42 and Column 5, lines 27 – 53) that is mounted to the side of the polymeric material having ridges and grooves (Figures 3 and 4) through the use of an adhesive material (Column 5, lines 54 – 63), wherein the ridges and grooves are coated with a layer of metallic material (Column 3, lines 60 – 65) in a retroreflective trim material for the purpose of reflecting back a color that may be spotted by an observer.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the layer of transparent color effect producing material adhered to a polymeric material containing ridges and grooves in Futhey et al. in order to reflect back a color that may be spotted by an observer as taught by Tachikawa et al.

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Regarding claims 4 – 7, Futhey et al. disclosed the optically decorative material having a layer of transparent polymeric material having opposed sides. Further, Tachikawa et al. teach a layer of transparent color iridescent effect producing material that is an outer layer of material made with transparent coloring ink in combination with a polymer and binder (Column 4, lines 35 – 42 and Column 5, lines 27 – 53). Thus, one of ordinary skill in the art would have recognized that it would have been obvious to one having ordinary skill in the art at the time the invention was to make the adhesive of Futhey et al. transparent color adhesive since Tachikawa et al. teach the transparent color would be a matter of choice of transparent color as shown above.

3. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futhey et al. in view of Tachikawa et al. and further in view of Martin (USPN 5,888,618).

Futhey et al., as modified with Tachikawa et al. disclose a optically decorative material (Column 1, lines 5 – 8) having a layer of transparent polymeric material having opposed sides (Column 3, lines 48 – 55), wherein one of the sides contains a series of ridges and grooves and the other is a smooth surface (Column 3, lines 57 – 61). A layer of transparent adhesive is applied to the smooth surface of the material (Column 3, lines 62 – 67 and Figure 3, #40). The surface of the ridges and grooves is also coated with a layer of metallic reflective material (Column 8, lines 21 – 26 and Figure 11, #138), and the smooth surface of the polymeric material is coated with a metal coating in another embodiment (Figure 3, #32 and Column 9, lines 40 – 42). Figure 7 shows the transparent polymeric material (Column 7, lines 57 – 65) having parallel ridges formed by facets defining a convex surface formed by adjacent facets. As shown by

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Figures 5 and 12, other layers may be adhered to the ridge and groove surface of the polymeric material. A layer of transparent color iridescent effect producing material that is an outer layer of material made with transparent coloring ink in combination with a polymer and binder that is mounted to the side of the polymeric material. However, Futhey et al. and Tachikawa et al. fail to disclose said layer of product mounting adhesive is applied to said smooth opposed surface and wherein the color effect producing material is applied to the smooth surface of polymeric material.

Martin teaches a layer of transparent color effect producing material (Column 2, lines 64 – 67, Figures 1 – 3 and 4e – g, #14 and Column 4, lines 26 – 31) that is mounted to the smooth side of a polymeric material having ridges and grooves (Column 4, lines 47 – 50 and Figures 1 – 3, #14 and 18) through the use of an adhesive material (Column 4, lines 54 – 63) in a retroreflective trim material for the purpose of maintaining the retroreflective properties of the retroreflective structure (Column 5, lines 1 – 7).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the layer of transparent color effect producing material adhered to a polymeric material containing ridges and grooves in Futhey et al. in order to maintain the retroreflective properties of the retroreflective structure by an observer as taught by Martin.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

*pln*  
pln

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

5/25/04